

The minutes of meeting of Oversight Committee under Chairmanship of Hon'ble Justice (Retd.) Shri Rajes Kumar, Allahabad High Court held on dated 11.06.2019 at Circuit House, Prayagraj in compliance of Hon'ble NGT order dated 12.02.2019 in O.A. No. 670/2018, Atul Singh Chauhan vs. Ministry of Environment & Forests, Govt. of India and others.

The attendance sheet of committee Members and stakeholders is enclosed.

Illegal Mining of sand and its transportation: A report has been submitted by Shri C.B. Yadav, Senior Mining Officer, Prayagraj relating to action taken by him. He has also submitted a Paper Book wherein he has given the reply against the representation given by the petitioner. S.P. Jamunapar has also submitted a Compliance Report along with the photographs stating the various actions taken by him.

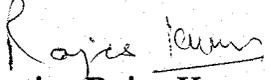
Shri Atul Singh Chauhan, applicant before the Hon'ble NGT present here alleged that Shri C.B. Yadav, Senior Mining Officer is involved in the activity of illegal mining. He submitted that illegal mining of sand is still going on even today by the lease holders as well as by some notorious persons of the area. He has produced some photographs in this regard which reveals that even extraction is going on through JCB from the river stream. He submitted that frequency of extraction has been substantially increased because of the incoming rainy season. He submitted that extraction mainly takes place in the night. Categorically stated that the illegal mining is going on with the patronage of Shri C.B. Yadav, Senior Mine Officer and other Senior Officer with the help of police. He submitted that one of the causes of illegal mining from water stream is that major part of lease has been granted on the water stream.

He submitted that he has kept 7-8 private persons for his personal security and for other activities, who also attend the office. They also wear police dress. On his statement that out of these private persons, some of the persons are sitting outside the Meeting Hall, one person Shri Ramesh has been called. On query being made, Shri Ramesh stated that he and one another person, who also sometimes wears police dress, moves alongwith Shri Yadav for his security. He also admitted that there are 4-5 other private persons, who are working in the office. It is a matter of great concern. Shri C.B. Yadav does not deny that he is taking services of the private persons for his security and other work. He does not deny the presence of the private persons in the office regularly. It is a matter of great concern. On a query being made from Shri C.B. Yadav that who pays the salary/remuneration to these persons, he is not able to give answer spontaneously however he says that to some persons he pays and to rest of the persons lease holders pay.

Committee is of the view that illegal mining is still going on, although it appears that some action has been taken by the Police department. Committee is of the

view that the illegal mining is not possible without the support of the officers of the Mining department who are connected with mining affairs. Undoubtedly, the illegal sand mining from the Yamuna river water stream is greatly effecting the environment and may change the course of river in future.

Directions given by the Committee in the meeting dated 15.03.2019 have not been fully complied with. D.M., Prayagraj is requested to look into the matter and enforce the compliance of directions. D.M. is further directed to see that all the J.C.B. or other machines which can be used for extraction of sand from the river stream may be removed from the mining site even though permit holders may give explanation that they are using these machines for different purposes.


(Justice Rajes Kumar)
Chairman
Oversight committee

The minutes of meeting of Oversight Committee under Chairmanship of Hon'ble Justice (Retd.) Shri Rajes Kumar, Allahabad High Court held on dated 11.06.2019 at Circuit House, Prayagraj in compliance of Hon'ble NGT order dated 28/8/2018 in O.A. No. 164/2018, Ashwani Kumar Dubey vs. Union of India and others order dated 12.02.2019 in O.A. No. 670/2018, Atul Singh Chauhan vs. Ministry of Environment & Forests, Govt. of India and others.

The attendance sheet of Committee Members and stake holders is enclosed.

(1) Alfred Park(Company Bagh) - Shaheed Chandra Shekhar Azad Park:-

Smt. Seema Rana, Superintendent, Garden stated that out of 16 skilled Malis, who were posted at the Ticket counter, 09 Malis have been withdrawn and only 07 Malis are posted at the Ticket counter. She assured that these 07 Malis will also be withdrawn within a week and they will be replaced by the other persons.

A number of complaints have been received that in Toilets, Sweepers are not found available. A complaint has also been received that the employees of the Alfred Park are not coming in time. The Committee directs the Garden Superintendent to maintain Attendance register and get the signatures of each and every persons, who are working inside the Garden at the time of arrival and at the time of departure with immediate effect i.e. from 12.06.2019 onwards and a biometric system may be installed.

Shri Brij Narayan Singh, C.O. Civil Lines, Prayagraj has been informed about the order of the High Court in PIL No.51055 of 2014 Madhu Singh v. State of U.P., wherein from the side of the Government it was assured that to maintain the security inside the premises of the Garden they will provide 02 Sub-Inspectors, 08 Constables and 16 Home Guards. Sorry to state that the aforesaid security has not yet been provided. Hardly two or three Constables with two Home Guards are seen inside the premises. The C.O. Civil Lines assured to provide the proper security as committed before the Hon'ble High Court.

Shri Vijay Kishore Singh, Horticulture Inspector working under the Deputy Director, Horticulture, Prayagraj stated that whatever number of the plants along with the Gamlas had been displayed at various places of the city during the Kumbh Mela had been taken by the Horticulture Department from the contractor. Out of total amount of the contract, only 25% has been paid to the contractor inasmuch as most of the plants implanted in Gamlas have dried and became dead and semi-dead and fully dead plants have been returned back to the contractor with the condition that in case if the contractor would supply the live plants in future the payment shall be made

accordingly. The Committee directs Shri Vineet Kumar, Deputy Director, Horticulture Department, Prayagraj to give the details of the total quantity of the plants to be supplied by the contractor and how much plants have been accepted and how much plants have been returned to the contractor. A complete detail of the plants taken under the contract, along with a copy of the contract and the payment made to the contractor, may be provided within a period of 15 (fifteen) days.

Committee received a complaint that outside the boundary of the Park, there are number of encroachments in front of Hanumat Niketan gate at Kamla Nehru Road as well as on Mahatma Gandhi Road. The Cmmittee brought to the notice of the Garden Superintendent that the Hon'ble High Court in the PIL case of Madhu Singh has categorically stated that-

'there can be no encroachment in and around the Park and a regular encroachment removal drive has to be made to remove the encroachment'.

The Garden Superintendent states that the subject of removal of encroachment outside the garden is not within her jurisdiction and it is to be looked into by the ADM City and Prayagraj Development Authority as well as Nagar Nigam, Prayagraj. The statement of the Garden Superintendent is not correct. To ensure the security of the garden inside and around the park is the responsibility of the Garden Superintendent. Installation of grills outside the garden is with the object that there should be a transparency and beauty of the garden may be visible so that the persons outside the park may enjoy the greenery of the park. In this view of the matter, the Hon'ble High Court directed the removal of the encroachment in and around the park and also directed a regular encroachment drive. By saying that the removal of the encroachment outside the park is not within the jurisdiction of the Garden Superintendent, only amounts to absolve herself from the responsibility and failure on her part to discharge the duties. Therefore, it is made clear that it is the responsibility of the Garden Superintendent to look into the matter that there should not be any encroachment inside the park and outside the park. If for the removal of the encroachment outside the park the Garden Superintendent needs any help from any authority, she can take the help from such concerned authority. The Committee directs the Garden Superintendent to take the necessary steps immediately within a week and inform the outcome within another 15 (fifteen) days. Let the Garden Superintendent may write letter to all the concerned authorities for the removal of the encroachments, stated above. The Committee also directs the authorities to remove the encroachments in front of Hanumat Niketan.

A complaint has also been received that despite the order of the Hon'ble High Court in the PIL of Madhu Singh that *there should not be any marriage meeting, social gathering* some social gathering has been allowed inside the premises of the Garden. This amounts to violation of the High

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Court order and amounts to contempt. If such situation may arise, the Committee may recommend for the initiation of the proceedings against the concerned authority. The Committee warns the Garden Superintendent and other concerned authorities that in future no such kind of activity may be allowed inside the park which is in violation of the High Court order.

It is expected from the Garden Superintendent and the other authorities to comply with the directions of the Hon'ble High Court in the PIL case of Madhu Singh in true spirit.

The Committee also received the complaint that the renewal of the Entry gate passes takes long time - more than a month. The Committee is of the view that there may not be any reason why such a long time is consumed. Committee is informed that for the preparation of the passes, a Small Machine worth about rupees one lac is needed. Renewal of the passes is a regular process and it generates revenue. Therefore, a small machine for the preparation of the passes can be purchased. The Committee directs the Garden Superintendent to purchase such a Machine after taking the necessary sanction from the appropriate authority.

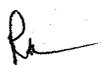
The Committee also directs the Garden Superintendent to ensure the cleanliness of the Garden in the night on day to day basis and keep the Garden in appreciable hygienic condition particularly for the morning walkers and all others in general.

Pond: The pond dried on is a matter of serious concern. It is developed by the Prayag Development Authority. In the earlier meeting, it was told that it was made for water recharging. But the said statement was found incorrect by the Committee in its earlier meeting by giving the reasons. The pond, as it was made in the original form, which was made for beautification purposes, where there was a water fountain besides the fishes and ducks etc. in the pond, has to be restored.

A long time has since elapsed but the Committee has not been communicated about the future plan of the Pond which is said to be water body in the order of the Hon'ble High Court for its restoration by the Prayagraj Development Authority. Let the PDA may communicate its future plan about the said pond within a period of 15 days.

(2) Construction of road in Bhatauti area:-

Shri R.B. Ram, Executive Engineer, Provincial Divison PWD, Prayagraj states that he will provide the estimate of the road within the period of one week. After the preparation of the estimate, whatever materials the Stone Crushers' Association will supply to them, the value of the same shall be reduced. Shri Dilip Chaurasiya and Shri Pawan Tiwari, representing the

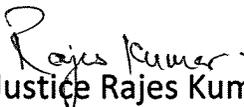


Association state that they are ready to provide Granule Sub Base (GSB) and Dry Lane Concrete (DLC) which comes to about 25000 M.T. Let the PWD may provide the estimate within a week. The Committee also directs the representatives of the Association to maintain contact with Shri R.B. Ram, Executive Engineer. The rest of the discussion relating to the road, if required, will be taken in the next meeting.

(3) Rising temperature of Prayagraj:-

A concern has been raised about the unique rise in temperature of the city. As on date, the day temperature is above 49 degree Celsius. We find that this rise in temperature between 46 to 49 degree Celsius is continued since last ten days and in this way if the temperature increases, it will be difficult for the human beings to survive which may cause a serious shortage of water. Therefore, it is important and relevant at this stage to address this problem.

Shri Y.P. Shukla, DFO, Prayagraj states that the temperature problem can be addressed by plantation across the district in and around the Prayagraj city as well as in the rural areas also. It is suggested that a meeting of all the concerned authorities may be called to address this problem and to know and deliberate the future planning of the plantation. Shri S.K. Mishra, R.O., Prayagraj is directed to make a list of all the concerned authorities and call the meeting of all those authorities shortly. It is also informed that Prayagraj city has been noticed/identified as much/most air polluted area. This is a matter of serious concern and is to be addressed accordingly. Shri S.K. Mishra informs that Government has approved Action Plan regarding Air Pollution Control in Prayagraj, the said plan has already been sent to the concerned Authority. The Committee is of the view that it is necessary to deliberate on this issue also and to monitor the situation.


(Justice Rajes Kumar)
Chairman
Oversight committee